

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH

CHILCOTT *gc*

DRISCOLL *kd*

IMAN *JR*

PLETTENBERG (Clerk & Recorder)

Date.....January 29, 2009

Members Present..... Commissioner Carlotta Grandstaff, Commissioner Jim Rokosch, Commissioner Greg Chilcott, Commissioner Kathleen Driscoll and Commissioner J.R. Iman

Minutes: Beth Perkins

► The Board met for a Commissioners update to discuss the number of voting or liaison members, bargaining units and reports.

Commissioner Rokosch discussed the need to identify agenda items for the Open Lands Board for public hearings. He then discussed his participation with the Board of Health and how he is now Chairman.

Commissioner Chilcott reviewed his membership on volunteer boards as voting or non-voting. He then gave an update on proposed bills within the legislation to the Board.

Commissioner Iman reviewed his membership on volunteer boards. He discussed the issues with the Airport and his participation with the Airport Board. Commissioner Grandstaff stated safety at the Airport is an issue and the community response by the amount of correspondence received regarding the expansion. She defined the expansion as purchasing more land and extending the runway. Commissioner Iman questioned other alternatives for the expansion within the E.A. He discussed the need to investigate all possibilities and facts not rumors. He stated the E.A. is only in draft because the Board of County Commissioners has not taken any action on it. Discussion followed regarding questions for the February 4th meeting with Dave Stelling from the FAA.

► The Board met to decide on payments for electrical services on Highway 93 with Comptroller Jana Exner and Treasurer JoAnne Johnson. Jana gave a brief recap. She stated she received a couple of bills for electrical and needs direction for line items to pay them. The Board directed Administrative Assistant Glenda Wiles to contact Northwestern Energy to verify if it is for decorative lighting and review the Highway Amenities Agreement for the electrical contract portion.

► Commissioner Grandstaff left the meeting at this time.

► The Board met with Gale Dodd regarding his denied approach permit. Present were Civil Counsel Karen Mahar, Road & Bridge Supervisor David Ohnstad, and Road Department Employee Mike Nichols.

Gale Dodd stated the property is located on Simpson Lane. He stated the property is behind Lot A. He pointed out the lot location on a plat map. He stated the problem is there needs to be 150 feet between any accesses onto a County road and he is requesting a variance. Gale stated the neighbors who own the private road have refused him access.

Commissioner Rokosch questioned the existing driveway being 150 feet. Gale replied it would be close but he does not think so. Commissioner Iman added these are standard orchard tracts. David Ohnstad stated Mike Nichols does permit inspections for access encroachment. Commissioner Chilcott questioned how the parcels were created without access. Gale replied it does have the easement and it was done through family transfer. Commissioner Chilcott asked when the transfer occurred. Gale replied it has been over three years. Commissioner Chilcott requested to view Gale's deed. Commissioner Driscoll clarified Gale is landlocked. Commissioner Iman stated the parcel created was sold in 2006.

Commissioner Rokosch asked Civil Counsel for an option for the 30 day policy limit from the date of the determination to make an appeal. Gale stated when he applied for the approach permit he did not receive any paperwork for the appeal limit and he was notified after the fact. Commissioner Rokosch questioned the notification from the Road Department. Mike Nichols stated he cannot say whether or not the denial policy was included with the paperwork. He stated when there is a letter of denial it does have the appeal process included. Gale stated the denial letter came after the 30 day limit. Civil Counsel Karen Mahar questioned when the letter was received. Gale replied it was after the New Year. She stated the appeals process does indict the 30 day limit however, Gale can request a waiver. Commissioner Chilcott asked if there is a solution. Commissioner Iman stated with the original family transfer, there was an easement down one side but by agreement the easement was moved after the sale of the second parcel. He stated it is a physical mistake by the surveyor as a new survey and not a "retracement" which is created by the deed.

Mike stated the north side of the property has a geological problem. He presented the Board with pictures of the access area with site visibility problems. Commissioner Iman asked if there is a water line under the easement. Gale stated there is no water but thinks it is a steel pipe. Mike stated Carmen Lane is to the south and 190 feet is address and 160 feet from there is another parcel. He stated the criteria for access is from the center line of the road. The reason for denial is the approach grade of the section. He stated it cannot be more than 2% and it was graded at 4% and separation. He stated the ideal access would be on Carmen Lane and it is a private road. He stated his decision is not based on the geographical aspects.

David stated the issue is if Carmen Lane was created through the subdivision process but not recorded as a public easement. Right now the options are few. He stated Simpson Lane is a low access minor local road. It is an important part of the policy to consider future access of the road. The construction of the access is going to be a greater challenge than accepting approval of the appeal.

Commissioner Rokosch addressed the need to allow the appeal to come forward after the date and it must be in writing stating the specific action to be appealed, why it is being contested and the specific article of the appeal. Commissioner Chilcott stated the purpose today is to determine to hear the appeal. Civil Counsel Karen Mahar stated there is correspondence with the request for appeal. **Commissioner Iman made a motion to allow the appeal process to go forward on February 2nd at 9 a.m. due to extraordinary circumstances as presented here today. Commissioner Chilcott seconded the motion.** Discussion: Commissioner Chilcott pointed out Gale Dodd began the appeal process as soon as he was back intown upon his notification. **All voted 'aye'.**

Commissioner Chilcott suggested Mr. Dodd to offer to pay the expense to accommodate the approach with his neighbors to negate having the appeal altogether. Commissioner Iman questioned the approach permit for the other property. David stated protocol should be established prior to the meeting to not set precedence. Commissioner Driscoll questioned Gale contacting the neighbors for approach access. Civil Counsel clarified Commissioner Driscoll's question if there is a provision in the policy for a shared access. Mike replied it can be looked into. Civil Counsel Karen Mahar asked if Gale Dodd is the person who received the gifted tract. Gale replied it was gifted to his son and now his son just turned 18. Karen then asked if the parcel will be up for sale. Gale replied yes it will be.

► The Board met with Weed Supervisor Kellieann Morris regarding changes in "I Control My Own" landowner roadside weed maintenance program contract and signage and implementing the State Weed Law in Ravalli County. Present were Civil Counsel Karen Mahar, Extension Agent Bobbie Roos, and Acting Planning Director John Lavey.

Kellieann discussed enforcing the new Montana State Weed law and having support from the County Attorney's Office. She stated her purpose is to make the Board aware that \$42 million dollars per year is spent to control knapweed. She stated when a complaint comes to the Weed Department Office, there is a form to fill out to start the process of

enforcement. She then reviewed the form with the Board and pointed out she would only like to pursue completed complaint forms for enforcement. Civil Counsel Karen Mahar pointed out the complaint form has been reviewed by the County Attorney's Office. She added several other departments have addressed the difference of complaints received anonymously or formally for general enforcement policy. Kellieann stated the weed law is important to enforce since it is a safety issue of harming the environment by allowing seeding to spread. Civil Counsel Karen Mahar advised to review the law and policy and then let the Commissioners review it at leisure. Commissioner Rokosch stated the Board's interpretation of the mechanism to enforce is important. Civil Counsel Karen Mahar stated it is a priority and can have it completed within two weeks allowing the Commissioners ample time to review it within a 30 day limit.

John Lavey stated the Planning Department has been directed by the Board of County Commissioner for prioritization for an enforcement policy. He stated it will be a uniform procedure and should be discussed with other departments and the County Attorney's Office. Commissioner Rokosch stated it should be integrated. Commissioner Rokosch formally gave the policy to Civil Counsel Karen Mahar for review and requested any changes or recommendations need to be brought forth for the final form to be brought forth to the Board for decision. Kellieann requested clarification. Commissioner Rokosch stated he is looking for a generic complaint form and a general enforcement policy. Kellieann stated there are three different forms developed for the steps of enforcement. She stated Flathead, Gallatin and Lake Counties are enforcing the Weed law. Civil Counsel Karen Mahar stated in the last priorities meeting, enforcement was discussed. She stated a regulatory procedure is being worked on with each department. She stated there will be a proposal brought forth to the Board. John Lavey left the meeting at this time.

Kellieann discussed posting signage on County roads for trucks to not spray for weeds and upgrade the agreement form for "Control My Own" program. She reviewed the form with the Board and stated it includes the description of the program. She stated it is good for three years as long as the landowner controls weeds as promised. Kellieann clarified it is for weeds identified as noxious weeds and it is voluntary. Civil Counsel Karen Mahar asked what is being done for monitoring. Kellieann replied they monitor throughout the summer not winter and the participants are notified when the Weed Department will be monitoring. Kellieann stated the requested fee increase was for signage for the landowners' fence lines to indicate where spraying should stop.

Kellieann discussed amending the subdivision requirements for weed plans. She stated she is receiving a one page pre-plat form and then Staff investigates the property prior to soil being disturbed. Kellieann stated the question is how to charge for visiting the sites twice to ensure the weed plan has been followed prior to signing off for the final plat. She stated after yesterday's meeting, it was suggested to go to the Weed Board for approval. She is requesting support of the Board of Commissioners. Civil Counsel Karen Mahar stated John Lavey requested being included due to the time factor for Planning Staff. Kellieann stated she will bring the information and issues to the Weed Board to evaluate the charging request and bring it forth to the Board of County Commissioners. Civil

Counsel Karen Mahar requested reviewing the results prior to being presented to the Board of County Commissioners. Kellieann stated the Weed Board is in support of what has been presented today. If there are changes, they will need to be brought back to the Weed Board.

Minutes: Glenda Wiles

► The Board met with Teresa Baker of the Victor Garden Club to discuss building a concession stand, bathrooms, and storage in the Victor Park which would result in encroachments into the county easement. Also present was Road Supervisor David Ohnstad, Members of Victor Volunteer Fire Department Dave Meadows and Earl Gray. Discussion included the request by Victor Garden Club in regard to the encroachment of the Pavilion and possibly their addition onto the Pavilion. The Fire Department stated they would not be in favor of building into the encroachment as it would prohibit their ability to have an open space area which conflicts with their parking and emergency vehicle that is parked across the street.

Dave Meadows stated the platted road should be 80' and the fire department doors to the curb bumpers that designate the parking areas is 53'. Their two large engines are in the bays. The primary response engine is 30' long. He stated it is not fun with the turning radius they have now, and with additional encroachments coming into that parking area it would be difficult at best. Once in a while they have to advise people who are unloading in that area to move because they can not get their fire engine out. He does like the idea of the Garden Club building a concession stand; their only issue is where it is located. The Fire Department would like to expand some day and it is not inconceivable of expanding the no parking area in front of the fire department.

Dave Ohnstad stated the only way to make certain about the encroachment is to identify the property corners. It is all part of the original town site plat. If there is an encroachment, they are not going to recommend further encroachment. Depending upon the degree of encroachment will depend on whether he would request removal. The travel lanes are only 20' even though the road easement is 80'.

Commissioner Driscoll asked about a survey. David stated they only need to find the monuments. David further stated there are no urgent plans to do anything with that street. One issue is Meridian Road that is a major collector which already has some drainage issues. They will need to identify drainage improvements and tie them into the Highway 93 project that is coming forth. In regard to Meridian Road, there will be some changes due to the highway project, particularly in regard to the highway connection and 5th Street.

Commissioner Driscoll asked how they could move the pavilion back so no encroachment exists and if it would also help the parking issue. Teresa stated they can move their parking barriers in on 5th and Meridian, but they cannot do that on Tudor Street. She stated she understands the fire department concerns. She stated they are a

non profit and they have an issue with money. If they poured more concrete they could move the pavilion. She asked if they could utilize the old concrete for handicap access.

Commissioner Driscoll felt that would be a good idea particularly if they want to grow and have more activities. Commissioner Chilcott stated right now they are not adversely affecting anything, but they should consider moving the pavilion. Commissioner Rokosch stated he would not be in favor of adding any additional encroachments into the easement, but if they are going to add buildings it would be better to line everything up.

Discussion then occurred about the easement width and pins that are easily found. David Ohnstad suggested they hire a surveyor and identify the line. The Garden Club concurred that needs to be done. David stated he could have the contracted surveyor make this check and pay for this survey since it is unique to the markers and dedicated easement. The Board concurred the Garden Club may want to move the Pavilion now due to any further construction they might want, but they are not telling them to move it right now either. Teresa stated at some time they should address the available parking when an event occurs.

► The Board met with CTA Architects to discuss changes in the plans, increase in costs and have a general update on the 9-1-1 remodel and storage plans. Present was Alan Bronc and Rob Porch of CTA with a set of plans to review. Rob stated the costs they originally discussed are holding pretty true. Discussion took place in regard to turning one planter space into an interrogation room for the Detectives. The Commissioners had set a limit of \$2,000 in a previous motion but it now appears the cost will be \$2,700. This will include sound proofing. Rob will also look to see if there is storage space above that interrogation room from the stair well. The fire sprinkler is already calculated into that space. He carried the wall height on the upper level which should allow the two large pictures that are hung in the staircase area the ability to stay if they put them side by side.

If 9-1-1 goes beyond the four call stations, they have designed a moveable wall (which will not be installed at this point). They will only replace the needed ceiling tiles. They have added cabinetry (19') along the conference room wall for machines and needed equipment. The wall between the dispatch center and the conference room can also be removed when the time comes to expand. Glass windows are in the offices for viewing into the dispatch area. The I.T. area is designed for the 20 year plan. He still has no numbers for the costs of new equipment versus moving the existing equipment. CTA is working on other 9-1-1 centers so they have recent costs for this construction and stations. Rob stated he did break out the storage from the 9-1-1 center. Also included were a refrigerator, range, and microwave. Joanna stated she anticipates \$40,000 in equipment move costs from Scott and \$6,000 for additional equipment. To Rob, it appears they are pretty much right on their original targeted costs. Code requirements addressed the fire suppression entry equipment, and after meeting with fire personnel and building officials, as well as looking at the water issue under the courthouse, they felt they can leave it where they originally designed it.

Alan addressed the ability of future growth in the I.T./mechanical room/electrical to accommodate future growth. The balance of the elections room will come from the rest of the building. The 9-1-1 office has their own system for redundancy. A light well into the east side of the courthouse is planned with an exhaust system with louvers on each side. The glass will be bullet resistant and the louvers are on an incline so no firearm could be put through the louvers which will also have grates on them. This will only be for exhaust and natural light. Rob also addressed the possibility of security card reading locks on the IT room and from the hallway into the actual dispatch center. They asked if there should be card locks at the door into the hall way into the election area. Commissioner Chilcott stated that would depend if they are going to store anything there. Card readers are around \$3,000 per door.

In regard to the planters, the one north side planter will have two interrogation rooms with one way mirrors. These rooms are 8' X 8'. After addressing the water issue, he understands the water is from the working elevator but not from the shaft area between the two sets of stairs, so he will now recapture that blank shaft area for storage.

They anticipate being finished with the plans at the end of next week then moving forward with the Request for Proposals. If everything goes well they could select the contractor the first of March.

Carpeting, tile and counter tops were then reviewed for content and color. Discussion included moving the election room equipment and where they are going to be stored during the remodel. Commissioner Chilcott noted the remainder of the elections room will be around 1,120 sq feet. There are 48 machines in the elections room. Clerk and Recorder Regina Plettenberg expressed concern over who will move these machines and will there be a cost associated in that move.

In regard to the interrogation room the costs look like the \$2,700 but the motion by the Commissioners from a previous meeting was to spend up to \$2,000. The Board will need to address these extra costs as well as the estimated \$960.00 for the 12 extra hours Rob put into the plan development. The Board thanked Rob and Alan for their time.

The Commissioners along with Clerk and Recorder Regina Plettenberg continued to discuss the storage at the Administrative Center and Courthouse as well as the various offices that want and need space for their activities. After much discussion about the storage of files and boxes at the Courthouse within the north east corner of the basement known as the sump room, **Commissioner Chilcott made a motion to have the Chairman sign a memo to all Departments who utilize this room as storage advising them to move those stored files out by March 13th or the items will be prepared for storage in a container off site. Commissioner Iman seconded the motion.** Discussion of the motion included advising the various departments to contact the County Attorney's Office, if they need to, in order to find out what the Montana Statute states about their particular records retention. All voted "aye". It is noted the reason for this area to be cleared out is so the Elections Administrator can utilize that

space for her election materials which will be located in a secure space, and have the ability to work on those election materials through out the year as needed.